

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Hatcher Mobile Services
7887 F Street
Omaha, Nebraska 68127

Hatcher Mobile Services
7210 L St
Omaha, Nebraska 68127

HMW Construction
7887 F Street
Omaha, Nebraska 68127

AND

Jason Hatcher

ATTENTION:

Jason Hatcher
Owner
jason@hatchermobile.com

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Hatcher Mobile Services (Hatcher), HMW Construction (HMW), and Jason Hatcher (collectively “you”)) to submit certain information. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within **thirty (30) calendar days** after you receive this request.

We are issuing this information request under Section 208(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7542(a). Section 208(a) of the CAA authorizes the Administrator of EPA

(Administrator) to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Hatcher sells, services, and/or installs parts or components in the United States for motor vehicles, motor vehicle engines, nonroad vehicles and equipment, and nonroad engines. HMW is a construction company that operates motor vehicles and/or nonroad equipment. Mr. Hatcher owns and/or operates Hatcher and HMW. EPA requests this information to determine whether you are complying with Section 203 of the CAA and the regulations promulgated under Subchapter II of the CAA, 42 U.S.C. §§ 7521-7590.

At this time, EPA Region 5 is not accepting any hard-copy document deliveries. If possible, we ask you to upload all required information to the secured web-link shared with you at the time you received this request. If you did not receive a web-link, or if you are having technical difficulties, you must contact Cody Yarbrough at Yarbrough.cody@epa.gov or (312) 886-9137 to make arrangements to submit your response.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to EPA. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 208(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

You must submit all required information under an authorized signature on the certification language set forth in Appendix D.

EPA may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject you to an enforcement action under Section 205 of the CAA, 42 U.S.C. § 7524.

You should direct any questions about this information request to Sarah Clark at (312) 886-9733 or clark.sarah@epa.gov or Cody Yarbrough at (312) 886-9137 or yarbrough.cody@epa.gov.

Michael D. Harris
Division Director
Enforcement and Compliance Assurance
Division

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Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.
7. Provide the Statement of Certification (Appendix D) in hard copy form with your response.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.

2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
3. Provide submission to the secure web-link provided by EPA.
4. Provide a table of contents of all electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number.
5. Please submit documents claimed as confidential business information (CBI) in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the applicable mobile source regulations, including those at 40 C.F.R. Parts 85, 86, 1039, and 1068, unless otherwise provided in this information request.

1. The term “catalysts” refers to systems, such as catalytic converters or diesel oxidation catalysts (DOCs), that contain parts or chemical elements which increase the rate of a chemical reaction but are not one of the original reactants or final products, *i.e.*, are not consumed or altered in the reaction. Catalysts consist of a flow-through structure that is coated with an active metal catalyst and surrounded by a stainless-steel housing.
2. The term “diesel particulate filter” or “DPF,” also known as a “periodic trap oxidizer” or “PTOX,” refers to an exhaust after-treatment emission control component that physically traps particulate matter (PM) and removes it from the exhaust stream, typically using a porous ceramic or cordierite substrate or metallic filter.
3. The terms “documents” and “documentation” means any object that records, stores, or presents information, and includes: email; writings; memoranda; contracts; agreements; records; or information of any kind, whether handwritten or typed, or in computer format, memory, or storage device, or in hardcopy. All documents in hard copy shall also include attachments to or enclosures with any document.
4. The term “electronic control module” or “ECM” means a device that receives inputs from various sensors and outputs signals to control engine, vehicle, or equipment functions. ECM programming relies on calculations and tables of information to provide appropriate outputs. ECM can be a generic term but may refer specifically to the engine

control module when discussing emission controls on vehicles and engines. ECMs may be incorporated separately with multiple units or may be combined into a single unit.

5. The term “element of design” means any control system (*e.g.*, computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle, motor vehicle engine, nonroad equipment, or nonroad engine.
6. The term “emission control component” means any part or component and its associated fluids, sensors, signals, components, and control systems that function primarily for emission control and whose deviation from original manufacturer specifications and/or failure may significantly increase emissions.
7. The terms “exhaust gas recirculation” or “EGR” and “clean gas induction” or “CGI” refer to emission control components that direct a portion of engine exhaust back into the engine’s combustion chamber in order to control combustion temperatures and pressures, thereby reducing the production of nitrogen oxides (NO_x). The EGR and CGI systems may include a cooler, which cools the recirculated exhaust.
8. The terms “Hatcher Mobile Services” or “HMW Construction” or “Jason Hatcher” or “Hatcher” or “HMW” or “you” or “your” includes, but is not limited to: any assumed business names, affiliates, agents, representatives, employees, contractors, or other entities that performed work or acted in any way on behalf of, are related to, or acted at the direction of Hatcher Mobile Services, HMW Construction, and/or Jason Hatcher.
9. The term “motor vehicle” means any self-propelled vehicle that was designed for transporting persons or property on a street or highway.
10. The terms “nonroad equipment” or “nonroad vehicle” mean any vehicle, vessel, or other type of equipment that is not a motor vehicle that is subject, or uses an internal combustion engine that is subject, to part 1068. Examples of nonroad equipment include tractors, off-highway mobile cranes, and bulldozers.
11. The term “onboard diagnostics” or “OBD” refers to an ECM that monitors emission control and emission-related components and systems along with certain engine components, such as the fuel delivery system and the engine control module. When the OBD detects a malfunction or deterioration that could affect emissions, it illuminates a malfunction indicator light (MIL) and produces diagnostic trouble codes (DTC) to aid in repair.
12. The term “part or component” includes any part or component intended for use with, or as part of, a motor vehicle, motor vehicle engine, nonroad equipment, or nonroad engine (*e.g.*, ECM, element of design, calibration map, tuner, or software that is installed on or designed for use in such vehicles or engines).
13. The term “product” or “products” shall mean any service, part or component, or other

item(s), including, but not limited to, engine parts, block plates, straight pipes, power packages, computer tuning, calibrations, elements of design, tuners, tunes, software coding, or devices, that are manufactured (*i.e.*, created, written, programmed, fabricated, produced, assembled or modified), purchased, imported, distributed, downloaded, offered for sale, sold, provided, and/or installed.

14. The term “selective catalytic reduction” or “SCR” refers to an emission control component that includes systems (the diesel exhaust fluid (DEF) tank, urea quality sensor, DEF injection system, SCR catalyst(s), and other associated sensors), which inject a reductant, such as DEF, into the exhaust stream where it reacts with catalysts to convert NO_x emissions to nitrogen gas (N₂) and water (H₂O).
15. The term “service” means any action to change, affect, modify, disable, bypass, render inoperative, remove, download and/or install one or more part(s) or component(s) (*e.g.*, emission control components) or other item(s), including, but not limited to, engine parts, block plates, straight pipes, power packages, computer tuning, calibrations, elements of design, tuners, tunes, software, code, or devices.
16. The term “stocked” or “stocking” shall mean the temporary or long-term storage of materials for potential use, sale, or delivery. This definition includes, but is not limited to, the storage of materials within warehouses, vehicles, and/or shipping containers.
17. The term “tune” means any combination of software programming, calculations, computer logic, tables of information (*e.g.*, fuel timing maps), coding, or other content or information, stored in any form, capable of affecting or controlling an ECM.
18. The term “tuner” means any device, including flash programmer tools, capable of accessing, altering, or replacing the software programming, calculations, computer logic, tables of information (*e.g.*, fuel timing maps), code, or other content stored within or used by an ECM. A tuner also includes any module that is physically wired into the ECM, the engine, an emission control component, or other element of design capable of accessing, altering, or replacing the calibrations or operations of the engine or emission control component.

Appendix B

Information You Are Required to Submit to EPA

Hatcher must submit the following information pursuant to Section 208(a) of the CAA, 42 U.S.C. § 7542(a), as it relates to activities at any location owned, leased, and/or operated by Hatcher and any products that Hatcher installed (as part of maintenance, repair, upgrade, and/or other services), provided (as part of maintenance, repair, upgrade and/or other services), sold, offered for sale, distributed, and/or manufactured. Your response to all questions must cover activities which occurred **from January 1, 2018 to the date of this request**:

1. In an **electronic, unlocked spreadsheet** (or you may use the attached Appendix E¹, Worksheet 1) list each product (see Appendix A, Definitions, Paragraph #13), by product number and identifying product name, that Hatcher installed, provided, sold, offered for sale, distributed, and/or manufactured that:
 - a) Defeats, deletes, deactivates, bypasses, renders inoperative, or allows for the removal of any emission control component, element of design, or emission control part such as the OBD, ECM, EGR system, exhaust gas manifold, turbocharger, DPF system, catalyst system, SCR system (including the DEF system), and/or any sensors or electrical components associated with those parts or systems;
 - b) Simulates or alters, or has the potential to simulate or alter, the operation of any emission control component and/or related parts such as the OBD, ECM, EGR system, exhaust gas manifold, turbocharger, DPF system, catalyst system, SCR system (including the DEF system), and/or any sensors or electrical components associated with those parts or systems; and/or
 - c) Modifies or alters, or has the potential to modify or alter, engine operating parameters, such as injection timing, fuel pressure, fuel quantity, fuel pulse width, air to fuel ratio, emission control parameters, or other OBD functions including, but not limited to, those parameters monitored or controlled by the ECM.

Indicate which of the above-listed categories ((a), (b), and/or (c)) describes the product.

2. In an **electronic, unlocked spreadsheet** (see Appendix E, Worksheet 1), for each product identified in response to Request 1, above, provide the following information:
 - a) The product manufacturer's name and address;
 - b) The product supplier's name and address (if different than manufacturer's); For products supplied to Hatcher by NAPA Auto Parts, also provide the name and

¹ Appendix E, which consists of an Excel workbook, is provided electronically for your convenience to assist you in organizing your responses to this Request. Please use the Appendix E format if you are able. If you are not able to use Appendix E, then you should create your own table summarizing the requested information.

address of the entity that supplied products to NAPA Auto Parts;

- c) The type of vehicle or equipment for which the product is designed, used, or sold, including all makes, models, model years, engine models, engine model years, and intended uses (such as “off-road” or “competition”);
- d) A description of what the product does and how the product operates (e.g., straight pipe that allows for removal of the DPF and SCR);
- e) For each tune/tuner, identify and describe:
 - i. whether the product is a tuner with pre-loaded tune(s), a custom tune, or other product;
 - ii. all parties involved with creating, selling, and conveying the tune to the end-user;
 - iii. the process through which an end-user purchases and installs and/or downloads the tune;
 - iv. whether the end-user can adjust any settings of the tune/tuner, and if so, which settings;
 - v. what software is used to create the tune and/or modify the OEM calibration;
 - vi. what hardware and software are used to extract the OEM files; and
 - vii. what hardware and software are used to install the tune onto the vehicle/equipment/engine.
- f) For each product that is not a tune/tuner:
 - i. specify whether the product requires tuning or a tuner; and
 - ii. describe how the product differs (*e.g.*, in design, materials, and/or functionality) from the equivalent or comparable OEM part or component.
- g) For each roman numeral below, indicate with a “yes” or “no” whether the product can:
 - i. disable or allow the removal of the EGR or CGI;
 - ii. disable or allow the removal of a DPF;
 - iii. disable or allow the removal of a catalyst;
 - iv. disable or allow the removal of a SCR system;
 - v. alter fuel timing maps within engine calibrations;
 - vi. alter engine calibrations for fuel injection pulse width;
 - vii. alter engine calibrations for fuel injection pressure;
 - viii. alter engine calibrations for air/fuel ratio during the combustion process;
 - ix. alter engine calibrations for fuel quantity (amount of fuel injected into the cylinder per stroke); and/or
 - x. bypass or alter OBD parameters to prevent DTCs or MILs from being recorded or illuminated.

- h) Any California Air Resource Board Executive Order Number granted to the product.
3. In an **electronic, unlocked spreadsheet** (see Appendix E, Worksheet 1), for each product identified in response to Request 1, above, provide the following information:
- a) Average price paid;
 - b) Average sale price;
 - c) The quantity of each product that was installed or provided by you each calendar year (or partial year if full year not yet available).
 - d) The quantity of each product that was purchased by you each calendar year (or partial year if full year not yet available).
 - e) The quantity of each product that was sold or offered for sale by you each calendar year (or partial year if full year not yet available); and
 - f) The quantity of each product that was manufactured or produced by you for sale each calendar year (or partial year if full year not yet available).
4. Provide the following documentation:
- a) Provide copies of all work orders and invoices for work performed by Hatcher on a OBD, ECM, EGR or CGI system, exhaust gas manifold, intake gas manifold and intercooler pipe, turbocharger, DPF system, catalyst system, SCR system (including the DEF system), and/or any sensors or electrical components associated with those parts or systems as part of the maintenance, repair, upgrade, and/or other services provided. Additionally, for all vehicles and equipment affected by a responsive work order or invoice, provide copies of all diagnostic inspections, including all photos and notes, which were performed on the vehicle that Hatcher serviced.
 - b) Provide all receipts and/or invoices for work performed by a third party (*e.g.*, a vehicle dealership) on behalf of Hatcher on a OBD, ECM, EGR system, exhaust gas manifold, turbocharger, DPF system, catalyst system, SCR system (including the DEF system), and/or any sensors or electrical components associated with those parts or systems as part of the maintenance, repair, upgrade, and/or other services provided for a customer.
 - i. Identify all dealerships Hatcher has suggested that customers use or referred customers to for services. Explain the nature of the services Hatcher has suggested customer seek from these dealerships.

- c) For each product identified in response to Request 1, above, that Hatcher purchased from an outside vendor or manufactured, provide copies of all receipts, purchase orders, and/or invoices organized by calendar year;
 - d) For each product identified in response to Request 1, above, provide copies of any installation or operation instructions, guides, or manuals; and
 - e) For each product identified in response to Request 1 above, provide copies of all communications and/or other documents (including emails) between you and the manufacturer and/or supplier of the product.
5. Provide, in an unlocked and unencrypted format, a complete copy of Hatcher sales and inventory database(s) which document(s) all purchases, sales, and inventory of the products identified in response to Request 1. A complete copy of the database(s) includes but is not limited to, all associated and related files necessary to operate and view the database(s) submitted in response to this question. For example, if you use Quickbooks, provide a complete copy of your current QuickBooks working file(s) and all associated QuickBooks related files necessary to operate/view your QuickBooks working files. Provide the passwords necessary to operate and view the files.
6. For each product identified in response to Request 1, above, provide the following:
- a) indicate whether Hatcher in any way indicated or signaled to customers that the product is only for testing, maintenance, racing, or other restricted use (see Appendix E, Worksheet 1);
 - b) a detailed description of the mechanisms, if any, that Hatcher has implemented to ensure that the product is only used for such purposes, with any and all supporting documentation;
 - c) any and all documentation collected from customers to verify or ensure that any vehicle, equipment, or engine receiving a product advertised as not for on-road use (e.g., “competition only” or “race only”) are only operated off of public highways and roads; and
 - d) if not otherwise provided, copies of all documents related to the purchase, sale, and/or installation of each product which is a tune that contains customer vehicle, equipment, and/or engine information and/or information related to the customer’s use or intended use of that product (e.g. custom tune forms).
7. Provide the name and address of each location where you have stocked and/or are currently stocking each of the products identified in response to Request 1.
8. For each entity and location, provide an **electronic, unlocked spreadsheet** that provides the following information for each motor vehicle and piece of nonroad equipment that Hatcher Mobile Services, HMW, and/or Jason Hatcher has (i) owned and/or operated, (ii)

served as part of a fleet contract, or (iii) bought and then later resold since January 1, 2018:

- a) any vehicle or equipment identification designation used by you;
 - b) the vehicle identification number (VIN) or equipment equivalent;
 - c) engine make, model, year, size, horsepower, and fuel type;
 - d) chassis or equipment make, model, and year;
 - e) the emission controls (e.g. DPF, EGR, CGI, SCR, catalyst, including urea injection system) installed on the vehicle or piece of equipment when manufactured; and
 - f) the owner and operator of each vehicle or piece of equipment. For a vehicle or piece of equipment which was bought from you, place an asterisk next to the believed owner and operators name(s).
9. For each motor vehicle or piece of nonroad equipment listed in response to Request 8, identify, within the same spreadsheet provided in response to Request 8, those motor vehicles or pieces of nonroad equipment operating (either currently or previously) with one or more modified emission control components and/or with one or more tunes and/or tuners used or installed. Modifications include, but are not limited to, the alteration of the performance or operation, blocking, bypassing, defeating, disconnecting, deleting, deactivating, removal (in part or in whole), or rendering inoperative in any way of any emission control component, element of design, and/or emission related part of the vehicle or nonroad equipment, including, but not limited to the following systems: the DPF; EGR; CGI; SCR; catalyst (including urea injection system); OBD; and/or any fluid, sensor, signal, component, and/or control system related to these systems.
10. In the same spreadsheet provided in response to Request 8, provide the following information for each vehicle or piece of nonroad equipment identified in response to Request 9, above:
- a) List of any and all hardware modifications to the vehicle or engine's emissions control components, elements of design, and/or emissions related part, including the following information for each modification:
 - i. The date the modification was completed;
 - ii. Each part or component used to complete the modification, including the part or component's manufacturer, make, and model;
 - iii. The emissions control components that are affected (e.g. DPF, SCR, EGR, CGI, etc); and,
 - iv. All parties involved in providing or completing the modification(s).

- b) List of any and all tunes and/or tuners used or installed on the vehicle, equipment, or engine, including the following information for each tune and/or tuner:
 - i. The date of each tune/tuner installation;
 - ii. The tune and/or tuner manufacturer, make, and model;
 - iii. The emissions control components that are affected (e.g. DPF, SCR, EGR, CGI, etc);
 - iv. All parties involved in providing, selling or installing the tune/tuner;
 - v. If the tune and/or tuner allows for any of the modifications described in Request 1, by, for example, enabling a modified vehicle, equipment, or engine to operate without displaying a MIL, identify each emission control system affected by the tune and/or tuner, and specify how the tune and/or tuner affects vehicle or engine operation;
 - vi. If the tune and/or tuner alters engine operating parameters, such as fuel timing, fuel pressure, injection timing, fuel quantity, and/or injection pulse widths, specify which parameters the tune and/or tuner affects, or if not known, describe the anticipated gains from the tuner, such as increased horsepower, fuel economy, or torque;
 - vii. The software used to create the tune and/or modify OEM calibrations; and
 - viii. The hardware and software used to extract and/or install the tune onto the vehicle or piece of nonroad equipment.
- 11. Provide contacts and addresses of any and all Hatcher offices, agents, subsidiaries or affiliates and the role and relationship of each such office, agent, subsidiary, and affiliate with respect to Hatcher. Describe the relationship and business dealings between Hatcher and NAPA Auto Parts.
- 12. Identify all corporate entities that operate or have operated since January 1, 2018 at 7887 F St, Omaha, Nebraska 68127.
- 13. Identify all persons consulted or who provided information in responding to this information request, including the title(s) of the individual and relationship to Hatcher (e.g., employee, contractor) and the request(s) to which each individual responded or provided information.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 208 of the CAA, 42 U.S.C. § 7542, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 208(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may send you a letter asking that you support your CBI claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
7. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent

allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as “Personal Privacy Information.” Disclosure of such information to the general public may constitute an invasion of privacy.

Appendix D
Statement of Certification

You are submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information, issued pursuant to Section 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its implementing regulations.

I certify that I am fully authorized by _____ [company affiliation] to provide the above information on its behalf to EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to 18 U.S.C. §§ 1001 and 1341.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____